



Printer's Reprint  
January 29, 1999

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## HOUSE BILL No. 1166

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DIGEST OF HB 1166 (Updated January 28, 1999 10:43 am - DI 76)

**Citations Affected:** IC 31-32; IC 31-33.

**Synopsis:** Law enforcement and children. Allows information arising out of a communication between: (1) a husband and wife; or (2) a health care provider and the provider's patient relating to the abuse or neglect of a child, that would otherwise be confidential, to be disclosed or released to the law enforcement agency or county office of family and children that is conducting a child abuse or neglect investigation relating to the child. Does not apply to the release of mental health records. Requires photographs, x-rays, or physical medical examination reports made with respect to a child who is the subject of a child in need of services investigation to be made available, upon request, to an appropriate law enforcement agency for use in a child abuse or neglect investigation or a proceeding relating to the subject matter of the report.

**Effective:** July 1, 1999.

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**Ruppel, Dvorak, Ayres**

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January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.  
January 25, 1999, amended, reported — Do Pass.  
January 28, 1999, read second time, amended, ordered engrossed.

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HB 1166—LS 6241/DI 98+



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1166

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-32-11-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The privileged  
3 communication between:  
4 (1) a husband and wife;  
5 (2) a health care provider and the health care provider's patient;  
6 (3) a:  
7 (A) certified social worker;  
8 (B) certified clinical social worker; or  
9 (C) certified marriage and family therapist;  
10 and a client of any of the professionals described in clauses (A)  
11 through (C);  
12 (4) a school counselor and a student; or  
13 (5) a school psychologist and a student;  
14 is not a ground for excluding evidence in any judicial proceeding  
15 resulting from a report of a child who may be a victim of child abuse  
16 or neglect or relating to the subject matter of the report or failing to  
17 report as required by IC 31-33.

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(b) Notwithstanding any other law, information that:

(1) is confidential as a privileged communication described in subsection (a)(1) or (a)(2); and

(2) relates to the abuse or neglect of a child who is the subject of a child in need of services investigation;

may be disclosed or released to a law enforcement agency or county office of family and children that is conducting the child in need of services investigation. However, mental health records may not be released under this subsection.

SECTION 2. IC 31-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The local child protection service shall give notice of the existence and location of photographs, x-rays, and physical medical examination reports to:

(1) the prosecuting attorney; and

(2) the appropriate law enforcement agency, **if the law enforcement agency has not already received the items described in this section under IC 31-33-10-3.**

SECTION 3. IC 31-33-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Photographs, x-rays, or physical medical examination reports shall be made available to:

**(1) the law enforcement agency having jurisdiction;**

~~(1)~~ **(2)** the county office of family and children;

~~(2)~~ **(3)** the prosecuting attorney;

~~(3)~~ **(4)** the guardian ad litem; or

~~(4)~~ **(5)** the court appointed special advocate appointed by the juvenile court;

for use in any judicial proceeding relating to the subject matter of a report made under this article and, to the extent permissible under the Indiana Rules of Trial Procedure, to the adverse party in any proceeding arising under this article.

SECTION 4. IC 31-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. All photographs taken and a summary of x-rays and other medical care shall be sent to the local child protection service **and, upon request, to a law enforcement agency that investigates the alleged child abuse or neglect** at the time the written report is sent or as soon thereafter as possible. The local child protection service shall give notice of the existence of photographs, x-rays, and physical medical examination reports in accordance with IC 31-33-2-4.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, after "subsection" insert "**(a)(1) or**".

Page 2, line 3, delete "through (a)(5)".

Page 2, line 33, after "and" insert ", **upon request, to**".

and when so amended that said bill do pass.

(Reference is to HB 1166 as introduced.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1166 be amended to read as follows:

Page 2, line 6, before "released" insert "**disclosed or**".

Page 2, line 8, after "." insert "**However, mental health records may not be released under this subsection.**".

(Reference is to HB 1166 as printed January 26, 1999.)

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